UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYNTHIA L. MONTERROSO, Plaintiff, v. SULLIVAN & CROMWELL LLP, Defendant.	No. 06-CV-3404 (SAS)

AFFIDAVIT IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

STATE OF NEW YORK)
: ss:
COUNTY OF NEW YORK)

SHARRON DAVIS first being duly sworn upon oath, states and deposes as follows:

1. I am the Director of Human Resources at Sullivan & Cromwell LLP, and have been employed in this position since March 2, 1998.

2. I am fully familiar with the facts and circumstances set forth herein. I submit this affidavit in support of defendant's motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure.

3. I, along with Susan Vahrenkamp, Director of the firm's Secretarial Services department, met with Ms. Monterroso on April 7, 2005. During the meeting, I told Ms. Monterroso that it would be difficult for her to retain a permanent work station if her lengthy absences continued. I also explained to Ms. Monterroso that because permanent secretaries support specific, assigned lawyers, they must be present daily to ensure continuous secretarial

coverage. I also told Ms. Monterroso that because attendance was an essential function of a permanent work station, her employment could be terminated.

4. Attached as Exhibit 1 is a true and correct copy of a letter that I sent to Ms. Monterroso on August 17, 2005. The two releases accompanying the letter would have (a) authorized Dr. James Bruno to speak to Sullivan & Cromwell LLP about Ms. Monterroso's alleged asthma and potential accommodations for her, and (b) released the results of Ms. Monterroso's June 23, 2005 Independent Medical Exam to Sullivan & Cromwell LLP. Ms. Monterroso never returned either of the two releases to me.

5. Attached as Exhibit 2 is a true and correct copy of a letter I received from Cynthia Monterroso on or about August 24, 2005.

6. Attached as Exhibit 3 is a true and correct copy of a letter I received from Cynthia Monterroso on or about September 14, 2005. Ms. Monterroso attached to this letter a letter from Dr. James Bruno dated August 24, 2005. Although Dr. Bruno's August 24, 2005 letter makes reference to a prior letter dated August 10, 2005, no such letter was ever received by the firm.

7. Attached as Exhibit 4 is a true and correct copy of a letter I sent to Cynthia Monterroso on December 2, 2005.

8. Attached as Exhibit 5 is a true and correct copy of a letter I sent to Cynthia Monterroso on March 10, 2006.

Sharron Davis (signature)

Sharron Davis

LISA M. WHITE
Notary Public, State of New York
No. 02WH6174265
Qualified in New York County
Commission Expires Sept. 17, 2011

Subscribed and sworn to before me this 29th day of April, 2008.

L. M. White (signature)

New York County, New York
My Commission expires on Sept. 17, 2011